

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 20-14495
Andrew R Gross	:	Chapter 13
	:	Judge Magdeline D. Coleman
Debtor(s)	:	*****
	:	
Wells Fargo Bank, N.A.	:	Date and Time of Hearing
	:	May 12, 2022 at 11:00 a.m.
vs	:	
	:	
Andrew R Gross	:	
	:	
Kenneth E. West	:	
Respondents.	:	

If the debtor has been negatively impacted by COVID-19, the debtor may contact Wells Fargo Home Mortgage to discuss a personalized solution at 1-800-274-7025. Written attorney consent may be required to speak directly with the debtor about these options.

**MOTION OF WELLS FARGO BANK, N.A. FOR RELIEF FROM THE AUTOMATIC
STAY ON SECOND MORTGAGE FOR REAL PROPERTY LOCATED AT 325
PEACHTREE DR, JENKINTOWN, PA 19046-0000**

Wells Fargo Bank, N.A. ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay on the real property located at 325 Peachtree Dr, Jenkintown, PA 19046-0000 ("Property"). In support of its motion, Creditor states the following:

1. Andrew R Gross ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on November 19, 2020 (the "Petition Date").
2. On August 24, 2017, Debtor executed a Wells Fargo Home Equity Account Agreement and Disclosure Statement in the original maximum principal amount of \$70,000 (the "Note"). A copy of the Note is attached hereto as Exhibit A.

3. To secure the Note, a Mortgage was given August 24, 2017 and recorded August 31, 2017. A copy of the Mortgage is attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.
4. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.
5. There are other liens against the property as listed in Debtor's Schedule D.
6. As of March 28, 2022 the total outstanding amount due on the Note is \$70,639.73 which consists of:

Principal	\$68,826.58
Interest	\$1,813.15
Escrow advance	\$0.00
Late charges	\$0.00
Other Fees	\$0.00
Suspense funds	\$(0.00)

7. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies to repossess and sell the Property.
8. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 9 months as of March 28, 2022 and is in default in the amount of \$3,191.15. This amount is broken down as follows:

<u>Post Petition Payments Delinquent to Creditor</u>		
Date Range	Amount	Total
July 2021	\$307.93	\$307.93
August 2021	\$358.09	\$358.09
September 2021	\$359.38	\$359.38
October 2021	\$359.36	\$359.36
November 2021	\$359.97	\$359.97
December 2021	\$360.64	\$360.64
January 2022	\$361.27	\$361.27
February 2022	\$361.94	\$361.94
March 2022	\$362.57	\$362.57
Total: \$3,191.15		

9. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
10. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of the attached Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)
Adam B. Hall (323867)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Alyk L. Oflazian.
Contact email is
ALOflazian@manleydeas.com

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In re: :
: **Case No.: 20-14495**
Andrew R Gross : **Chapter 13**
: **Judge Magdeline D. Coleman**
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Movant, : **May 12, 2022 at 11:00 a.m.**
: **vs**
: **Andrew R Gross**
: **Kenneth E. West**
Respondents. :

CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of Wells Fargo Bank, N.A. for Relief from the Automatic Stay on Second Mortgage for Real Property located at 325 Peachtree Dr, Jenkintown, PA 19046-0000 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Andrew R Gross, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Andrew R Gross, 325 Peach Tree Drive, Jenkintown, PA 19046

Wells Fargo Mortgage, P O Box 31557, Billings, MT 59107

/s/ Alyk L. Oflazian